



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
ECOSYSTEMS,
TRIBAL AND PUBLIC
AFFAIRS

June 12, 2013

Jake Vialpando, Project Manager
Bureau of Land Management
1387 South Vinnell Way
Boise, Idaho 83709

Re: EPA Region 10 Comments on the Bureau of Land Management Draft Environmental Impact Statement to address grazing permit renewals in the Jump Creek, Succor Creek, and Cow Creek Watersheds (EPA Project Ref: 12-4145-BLM).

Dear Mr. Vialpando:

The U.S. Environmental Protection Agency has reviewed the DEIS for the above referenced grazing permit renewals in the Boise District in Idaho. Our review was conducted in accordance with EPA responsibilities under the National Environmental Policy Act and Section 309 of the Clean Air Act. Section 309 specifically directs the EPA to review and comment in writing on the environmental impacts associated with all major federal actions.

The DEIS addresses options for future management of 25 livestock grazing allotments (collectively known as the Chipmunk Group) in northern Owyhee County, Idaho. The document analyzes six alternative management prescriptions. Alternative 1 represents current management (no action); Alternative 2 is similar to Alternative 1 and reflects Permittee Applications; Alternatives 3-5 propose management changes to address resource issues; and Alternative 6 proposes reducing livestock numbers to zero, and eliminating grazing for the next 10 years. Alternative 2 is the Proposed Alternative. No preferred alternative is identified.

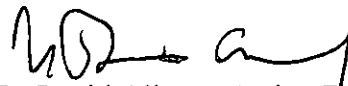
Under our policy and procedures, we rate draft EIS documents by considering both the adequacy of the document, and the potential environmental impacts of the action. Our policy is to focus our review on the proposed alternative if no preferred alternative is identified. The EPA appreciates the range of alternatives developed in the DEIS, and we find that the document adequately sets forth the environmental impacts of the alternatives. Therefore, we are assigning a favorable adequacy rating to the document. However, based on the analysis of potential effects in the DEIS, we find that the Proposed Alternative (Alternative 2) warrants a rating of EO (Environmental Objections). The analysis in the DEIS indicates that Alternative 2 would be inconsistent with the achievement of Idaho Water Quality Standards, Idaho Rangeland Health Standards, and standards under the 1999 Owyhee Resource Management Plan. Therefore, we are assigning an overall rating of EO-1 (Environmental Objections – Adequate) to this DEIS. Additional detail about our concerns and an explanation of our rating system are attached.

In our review role, we also often assist the lead federal agency in identifying the environmentally preferred alternative. Per guidance from the Council on Environmental Quality¹ the environmentally preferred alternative is the alternative that causes the least damage to the biological and physical environment. We believe Alternative 4 would best promote the national environmental policy as expressed in NEPA's Section 101, and that it should be identified as the environmentally preferred alternative. Although Alternative 6 would eliminate adverse effects from grazing on the Chipmunk Group, we are concerned that it could have impacts outside the Chipmunk Group by shifting livestock grazing timing, intensity and duration to other land ownerships.

As the BLM moves forward with the final EIS, we encourage the adoption of Alternative 4 as the preferred alternative. We believe the season-based approach to grazing management proposed under Alternative 4 best moves the managed allotments toward meeting the Idaho Rangeland Health Standards and Guidelines, and the standards under the 1999 Owyhee Resource Management Plan. We also believe Alternative 4 is most consistent with the implementation strategies outlined in the Succor Creek Subbasin Total Maximum Daily Load².

We appreciate the opportunity to review this DEIS. If you have question about our comments, please contact Christine Reichgott, Manager of the Environmental Review and Sediment Management Unit at (206) 553-1601 or by electronic mail at reichgott.christine@epa.gov, or you may contact Teresa Kubo of her staff at (503) 326-2859 or by electronic mail at kubo.teresa@epa.gov.

Sincerely,



R. David Allnutt, Acting Director
Office of Ecosystems Tribal and Public Affairs

Enclosure

¹ <http://ceq.hss.doe.gov/nepa/regs/40/40p3.htm>

² <http://www.epa.gov/waters/tmdl/docs/Snake%20River%20Succor%20Creek%20TMDL.pdf>

**EPA Region 10 Detailed Comments on the
Jump Creek, Succor Creek, and Cow Creek
Grazing Permit Renewal DEIS**

Water Quality

As noted in Table RIPN-2, there are 47 miles of streams within the project area that are listed by the State of Idaho as water quality impaired under Clean Water Act Section 303(d), and a total of 86 miles of streams not supporting the Rangeland Health Standard for Water Quality (Standard 7). Table ALLOT-2 indicates that many of the allotments are likewise not meeting the Rangeland Health Standards for Watersheds (Standard 1), Riparian Areas and Wetlands (Standard 2), or Stream Channels/Floodplains (Standard 3).

As disclosed on page 174 of the DEIS, where allotments are not meeting Standards 2, 3, and 7, current livestock grazing management practices are significant causal factors. As a result, the DEIS concludes that under Alternative 1, which is based on current management, conditions in many of the allotments would continue to violate Idaho Water Quality Standards and Rangeland Health Standards 2,3, and 7 (DEIS pg.186).

With the exception of the Elephant Butte, Madriaga, Soda Creek, and Wild Rat allotments, the grazing schemes proposed by the permittees under Alternative 2 (the Proposed Action) would be the same as the current management (Alternative 1). Thus, the impacts associated with the remaining 19 allotments under Alternative 2 would be the same as those described above under Alternative 1. As such, Alternative 2 would not meet Idaho Water Quality Standards or Rangeland Health Standards 2, 3, and 7. Because Alternative 2 would be inconsistent with the achievement of Idaho Water Quality Standards, Rangeland Health Standards, and standards under the 1999 Owyhee Resource Management Plan, the EPA finds Alternative 2 to be environmentally objectionable pursuant to our rating criteria (attached).

Many of the identified impacts could be addressed through the selection of Alternative 4 as the preferred alternative. Although each of the action alternatives, including Alternative 4 would result in some effects on aquatic and riparian habitats, we concur with the findings in the DEIS (Section 3.5.2.5) that the season-based grazing system under Alternative 4 would allow the resource condition on many of the allotments to move toward meeting the relevant riparian and water quality standards. We also believe that Alternative 4 is most consistent with the Snake River/Succor Creek subbasin TMDL, which calls on federal partners and land management agencies to provide appropriate support for water quality improvements; develop best management practices to achieve load allocations; and give reasonable assurance that management measures will meet load allocations³.

³ <http://www.epa.gov/waters/tmdl/docs/Snake%20River%20Succor%20Creek%20TMDL.pdf>

**U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements
Definitions and Follow-Up Action***

Environmental Impact of the Action

LO – Lack of Objections

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC – Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO – Environmental Objections

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU – Environmentally Unsatisfactory

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 – Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 – Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 – Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.